



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-68,348-03

EX PARTE JUAN LIZCANO

ON APPLICATION FOR POST-CONVICTION WRIT OF HABEAS CORPUS
FROM CAUSE NO. W05-59563-S(A) IN THE 282nd DISTRICT COURT
DALLAS COUNTY

Per curiam. ALCALA, J., filed a dissenting statement in which JOHNSON, J., joined. NEWELL, J., dissents.

ORDER

This is an initial application for a writ of habeas corpus filed pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071.¹

In October 2007, a jury found applicant guilty of the offense of capital murder committed on November 14, 2005. The jury answered the special issues submitted pursuant

¹ *Ex parte Lizcano*, No. WR-63,348-01, was an application for a writ of prohibition. We denied leave to file on September, 11, 2007. *Ex parte Lizcano*, No. WR-63,348-02, was an application for a writ of mandamus. We denied leave to file on October 5, 2011.

to Texas Code of Criminal Procedure Article 37.071, and the trial court, accordingly, set applicant's punishment at death. This Court affirmed applicant's conviction and sentence on direct appeal. *Lizcano v. State*, No. AP-75,879 (Tex. Crim. App. May 5, 2010).

Applicant presents nine allegations in his application in which he challenges the validity of his conviction and resulting sentence. The trial court held an evidentiary hearing. The trial court entered findings of fact and conclusions of law recommending that the relief sought be denied.

This Court has reviewed the record with respect to the allegations made by applicant. We agree with the trial judge's recommendation and adopt the trial judge's findings and conclusions except for Findings and Conclusions nos. 78 through 82 and 261 through 269. Based upon the trial court's findings and conclusions and our own independent review, we deny relief.

IT IS SO ORDERED THIS THE 15th DAY OF APRIL, 2015.

DO NOT PUBLISH